

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 03-26

Introduced by: Council President Wagner at the request of the County Executive

Legislative Day No. 03-13 Date: May 13, 2003

AN EMERGENCY BILL to authorize and empower Harford County, Maryland (the "County") to borrow, on its full faith and credit, and issue and sell its bond of other form of indebtedness therefore, in an amount not to exceed One Hundred Sixty Six Thousand Six Hundred Fifty Dollars (\$166,650.00) principal amount, from the Maryland Energy Administration, pursuant to the provisions of the State Government Article, Sections 9-2101 through 9-2109 of the Annotated Code of Maryland, 1999 Replacement Volume, 2002 Supplement (the "Community Energy Loan Program ("CELP Act")), the proceeds thereof to be transferred to Harford Community College, a local jurisdiction within the meaning of CELP, and used by Harford Community College for the purchase and installation of certain energy efficient measures for lighting, HVAC, boiling water use, green roofs, a campus-wide energy audit, energy conservation redesign and

By the Council, May 13, 2003

Introduced, read first time, ordered posted and public hearing scheduled

on: June 10, 2003

at: 7:30 p.m.

By Order: Mary Kate Hurling Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on June 10, 2003, and concluded on June 10, 2003.

Mary Kate Hurling, Acting Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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pre-engineering, and commissioning for additions and renovations to Joppa Hall (the "Project"), to be owned by Harford Community College which shall be used by Harford Community College as an energy conservation project, which is a portion of the project plan as described in Section 9-2101(c) of the CELP Act, in accordance with Section 524 of the Charter of Harford County ("Charter") or as otherwise permitted by law; fixing the interest rate on the loan from the Administration to Harford County, Maryland; fixing the interest rate on the funds transferred from Harford County, Maryland to Harford Community College; providing for the security to the County for the transfer of funds to Harford Community College; determining the maturity of the loan; authorizing the loan approved by this Bill pursuant to the CELP Act to be combined in one loan with the loan pursuant to the CELP Act approved in Bill No. 03-05; authorizing the County Executive of Harford County, Maryland by Executive Order, to determine the manner by which

By the Council, _____

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Acting Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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the obligation of Harford Community College to Harford County, Maryland may be secured, and generally for such other matters as may be deemed appropriate, including, without limitation, the form of various documents as are necessary to implement the financing authorized herein, the manner of issuance and delivery of any evidences of indebtedness, the payment of all necessary expenses in connection therewith, the method by which such evidences of indebtedness shall be sold, maturity schedule, redemption provisions, authorizing the appointment of certain agents; and otherwise generally relating to the issuance, sale, delivery and payment of any such

By the Council, _____

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Acting Council Administrator

PUBLIC HEARING

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_____, Acting Council Administrator

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evidences of indebtedness or financing obligations; providing that such indebtedness shall be issued upon the full faith and credit of Harford County, Maryland; providing for disbursement of the proceeds of the sale of evidences of indebtedness and for the levying of charges, assessments and all taxes necessary to provide payment of the principal of and interest thereon; providing that certain additional matters may be determined by executive order of the County Executive of the County; and declaring the matters described in this Bill to be of an emergency nature affecting the health, safety and welfare of the citizens of Harford County, Maryland.

By the Council, _____

Introduced, read first time, ordered posted and public hearing scheduled

on: _____

at: _____

By Order: _____, Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____

_____, Acting Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 WHEREAS, in accordance with the provisions of the CELP Act, the Maryland Energy
2 Administration is authorized to approve loans from CELP for certain eligible Energy
3 Conservation Projects costs as defined in Section 9-2101 of the CELP Act; and

4 WHEREAS, in accordance with Section 9-2105 of the CELP act, the County Executive
5 of Harford County, Maryland has filed an application for a loan pursuant to CELP; and

6 WHEREAS, the County Council of Harford County, Maryland has the authority to incur
7 debts on behalf of the County; and

8 WHEREAS, the County Council of Harford County, Maryland is hereby authorized to
9 enact an Ordinance adopted in accordance with Section 524 of the Charter of Harford County,
10 Maryland and other applicable provision of law providing for the issuance and sale of
11 indebtedness under this Ordinance; and levy annually *ad valorem* taxes upon the assessable
12 property within Harford County, Maryland sufficient, together with the other taxes and other
13 available funds, to provide for the payment of interest on and principal of any indebtedness so
14 issued; and

15 WHEREAS, the transfer of funds authorized to be made by Harford County, Maryland to
16 Harford Community College shall be payable primarily from funds received by the County from
17 Harford Community College; however, to the extent that the funds provided to the County to
18 repay the loan are insufficient in any year to pay the principal of or interest or other costs on the
19 indebtedness incurred, Harford County, Maryland may reduce the amount of contribution to
20 Harford Community College pursuant to the annual operating and/or capital budget of the
21 County, to pay the principal and interest or other costs on such indebtedness; and WHEREAS,
22 Bill No. 03-05 approved a loan in an amount not to exceed \$400,000 pursuant to the CELP Act
23 to provide funds for Harford Community College to develop the Project.

1 WHEREAS, the loan to be made by the Administration to Harford County, Maryland
2 shall be upon the full faith and credit and subject to the unlimited taxing power of Harford
3 County, Maryland.

4 NOW, THEREFORE, in accordance with the provisions of the Charter and the Laws of
5 the State of Maryland:

6 SECTION 1. Be it enacted by the County Council of Harford County, Maryland that,
7 acting pursuant to the authority of the Charter, the CELP Act and the laws of the State of
8 Maryland, Harford County, Maryland (the "County") hereby authorizes and approves the
9 incurring of debt with the Maryland Energy Administration pursuant to the CELP Act to provide
10 funds to be transferred by Harford County, Maryland to Harford Community College to finance
11 a portion of the costs of the Project, including the acquisition and installation of certain necessary
12 and useful machinery and equipment on real property owned by Harford Community College.
13 the principal amount of indebtedness to be insured hereunder shall not exceed One Hundred
14 Sixty Six Thousand Six Hundred Fifty Dollars (\$166,650.00).

15 SECTION 2. And be it enacted by the County Council of Harford County, Maryland that
16 the obligation of Harford Community College shall be to provide funds to Harford County,
17 Maryland in such amounts and at such times which are necessary to pay the principal, interest
18 and other amounts due by Harford County, Maryland to the Administration pursuant to the
19 CELP loan.

20 SECTION 3. And be it enacted by the County Council of Harford County, Maryland that
21 the County Executive of Harford County, Maryland shall determine by Executive Order the
22 principal amount of such indebtedness, not to exceed One Hundred Sixty Six Thousand Six
23 Hundred Fifty Dollars (\$166,650), the form and substance of the obligation of Harford County,

Maryland to the Administration, the maturity schedule of such loan and other matters, including the rate of interest, deemed necessary or appropriate in connection with the transfer of funds to Harford Community College.

SECTION 4. And be it enacted by the County Council of Harford County, Maryland that authority is hereby conferred respectively on the County Executive of the County, the Director of Administration, the Treasurer, the County Attorney, the Acting Council Administrator of the County Council of Harford County, Maryland, or any of them, and they are hereby directed to take the following actions on behalf of the County:

(a) to execute, acknowledge, seal and deliver the documents reflecting the loan by the Maryland Energy Administration to Harford County, Maryland; and documents reflecting the use of the proceeds of such loan by Harford Community College, and payment to Harford County, Maryland by Harford Community College of such amounts as may be necessary to pay the principal, interest and other obligations of the CELP loan to the Administration, when due, and

(b) to execute, acknowledge, seal and deliver such other and further certificates, certifications, agreements, documents and instruments and take such other action as they or any one or more of them may deem necessary or appropriate to consummate the transactions contemplated by this Ordinance in accordance with the terms and provisions hereof and of any administrative Resolution adopted by the County Council of Harford County, Maryland or Executive Order adopted by the County Executive of Harford County, Maryland in furtherance of this Ordinance.

SECTION 5. And be it enacted by the County Council of Harford County, Maryland that the County Executive is hereby authorized and empowered for and on behalf of the County (a) to

1 cause the preparation, printing, execution and delivery of all documents in connection with the
2 loan from the Maryland Energy Administration to the County, including a Loan Agreement
3 substantially in the form attached hereto as Exhibit A, and the Promissory Note executed by the
4 County in favor of the Maryland Energy Administration, substantially in the form attached
5 hereto as Exhibit B, with such modifications, supplements or amendments thereto as may be in
6 the best interests of the County as determined by the County Executive and recommended by
7 counsel; (b) to combine the Loan authorized by this Bill with the Loan in an amount not to
8 exceed \$400,000 authorized by Bill No. 03-05 so that only one Loan Agreement and one
9 Promissory Note are executed; and (c) to do all such things as may be necessary or desirable in
10 the opinion of the County Executive in connection therewith.

11 SECTION 6. And be it enacted by the County Council of Harford County, Maryland that
12 the indebtedness authorized to be incurred by the County and the transfer of the proceeds of such
13 loan to be made to Harford Community College shall each have a maturity as provided in the
14 form of Promissory Note attached hereto, the maturity to be determined by Executive Order of
15 the County Executive of Harford County, Maryland.

16 SECTION 7. And be it enacted by the County Council of Harford County, Maryland that
17 in the event Harford Community College does not provide sufficient funds to pay the principal,
18 interest and other amounts ("Loan Repayment Funds") when due, time being of the essence, to
19 enable Harford County, Maryland to repay the CELP loan to the Administration, the County
20 Executive is authorized to reduce the operating and capital budgets of Harford County, Maryland
21 for the benefit of Harford Community College by such amounts as are necessary to provide Loan
22 Repayments Funds to the County, as they become due ("Automatic Budget Reductions").

1 SECTION 8. And be it enacted by the County Council of Harford County, Maryland that
2 the proceeds of the loan from the Administration shall be paid to the Department of the Treasury
3 of Harford County, Maryland and deposited into a special account of the County. The proceeds
4 of the CELP loan from the Administration shall be expended only to finance the Project by a
5 transfer of funds to Harford Community College. In the event the funds derived from the CELP
6 loan shall exceed the amount needed to finance the project, the excess funds so borrowed and not
7 transferred to or for the benefit of Harford Community College shall be applied by the County in
8 payment of the next principal maturity of such indebtedness.

9 SECTION 9. And be it enacted by the County Council of Harford County, Maryland that
10 to the extent the payments and other funds received from Harford Community College or
11 through Automatic Budget Reductions are insufficient to pay the principal of, premium, if any,
12 and interest on the indebtedness represented by the CELP loan to Harford County, Maryland,
13 there is hereby levied and there shall hereafter be levied in each fiscal year that the indebtedness
14 is outstanding *ad valorem* taxes on real and tangible personal property and intangible property
15 subject to taxation by the County without limitation on rate or amount; and, in addition, upon
16 such other intangible property as may be subject to taxation by the County within limitations
17 prescribed by law, in an amount sufficient to together with funds available from other sources, to
18 pay the annual principal, premium, if any, and interest on the outstanding indebtedness maturing
19 during the next succeeding year; and the full faith and credit and unlimited taxing power of the
20 County are hereby irrevocably pledged to be punctual payment of the principal of and interest on
21 the indebtedness as and when it matures. By this Ordinance, the County agrees to take all action
22 that it may be legally authorized and empowered to take in order to enforce, in an one year in
23 which the indebtedness is outstanding, the guarantee of such indebtedness by the County.

1 SECTION 10. And be it enacted by the County Council of Harford County, Maryland,
2 that the CELP loan shall be made by private, negotiated sale with the Administration without the
3 necessity of public bid, and the loan authorized herein may, if the County Executive determines
4 it to be appropriate, be combined with the loan pursuant to the CELP Act authorized by Bill No.
5 03-05, provided that the aggregate amount of the loan shall not exceed \$566,650.

6 SECTION 11. And be it enacted by the County Council of Harford County, Maryland
7 that the County reasonably expects to reimburse all or a portion of the capital expenditures for
8 the Project with proceeds of indebtedness and this Ordinance shall be available for public
9 inspection at the offices of the County during regular business hours and in accordance with the
10 laws of the State of Maryland and the County, regarding access to public records.

11 SECTION 12. And be it enacted by the County Council of Harford County, Maryland
12 that the provisions of this Ordinance are severable, and if any provision, sentence, clause, section
13 or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or
14 circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect
15 or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance
16 or their application to other persons or circumstances. It is hereby declared to be the legislative
17 intent that this Ordinance would have been passed if such illegal, invalid or unconstitutional
18 provision, sentence, clause, section or part had not been included herein, as if the person or
19 circumstances to which this Ordinance or any part hereof are inapplicable had been specifically
20 exempted therefrom.

21 SECTION 13. And be it enacted by the County Council of Harford County, Maryland
22 that the loan, pursuant to the CELP Act, is an emergency measure affecting the health, safety and
23 welfare of the citizens of Harford County, Maryland, and it is in the best interests of the County

1 to commit for the additional loan of \$166,650 before the current fiscal year of the State of
2 Maryland ends on June 30, 2003.

3 SECTION 14. And be it enacted by the County Council of Harford County, Maryland
4 that this Bill shall take effect on the date of its adoption.

EFFECTIVE: June 13, 2003

*The Acting Council Administrator of the Council does
hereby certify that fifteen (15) copies of this Bill are immediately
available for distribution to the public and the press.*


Acting Council Administrator

BILL NO. 03-26
as amended

HARFORD COUNTY BILL NO. 03-26

Brief Title) Loan Authorization – CELP – Harford Community College

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Mary Kate Hendry
Acting Council Administrator

Date June 11, 2003

ENROLLED

Robert S. Wagner
Council President

Date June 11 03

BY THE COUNCIL

Read the third time.

Passed: LSD 03-17

Failed of Passage: _____

By Order

Mary Kate Hendry
Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 12th day of June, 2003 at 3:00 p.m.

Mary Kate Hendry
Acting Council Administrator



BY THE EXECUTIVE

James M. Harkins
COUNTY EXECUTIVE

APPROVED: Date 6-13-03

BY THE COUNCIL
This Bill No. 03-26aa, having been approved by the Executive and returned to the Council, becomes Law June 13, 2003.

EFFECTIVE: June 13, 2003

Mary Kate Hendry
Acting Council Administrator

BILL NO. 03-26
as amended